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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

PAPER NUMBER

2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/966,757

Applicant(s)

HENDRICKS, JOHN S.

Examiner

James Sheleheda

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 3/13/07 have been fully considered but they are not persuasive.

a. Applicant argues that Young discloses a series of actions branching from three parallel options, and thus does not disclose wherein any option may be bypassed.

In response, Young discloses wherein a user may enter the PG button to open the "program master" menu, consisting of a plurality of selectable sub-menus (column 12, lines 12-45). From this menu, the user may select the "prime" menu, allowing the user to select a particular time range for the Master Guide mode (column 18, line 59-column 19, line 18). Upon selection of a particular time range, the master guide is then entered at the appropriate time range (column 18, line 59-column 19, line 18).

Thus, the user navigates from the "program master" menu to the "prime" menu to the "master guide" menu.

Alternatively, the user may input the MG key, thus directly accessing the "master guide" (column 10, line 13-19) which includes any "prime time" settings the user has entered while using the "prime" menu (column 10, lines 45-67).

Thus, the user may **bypass** the "program master" menu and the "prime" menu to directly access the "master guide". This clearly meets the claim

language of "skipping a menu level of the tree sequence", as the top level of the tree sequence, "program master", has been skipped to directly access the "master guide". Thus, applicant's arguments are not convincing.

b. Applicant argues that Young and Banker cannot be meaningful combined, as Young discloses utilizing an FM transmitter for distributing scheduling information, which does not require the cooperation of the television networks or stations.

In response, it is noted that the particular passage indicated by applicant, column 6, lines 18-21 of Young, are directed to one of two possible distribution systems which may be utilized. As seen in Figs. 1 and 2, Young contemplates the use of an FM transmitter separate from the television station (Fig. 1) *or* the transmission of the schedule data with the television programming (Fig. 2). This is further indicated in column 6, line 60-column 7, line 32, wherein it is clearly indicated that the program schedule may be transmitted within unused lines of the television signal, such as teletext lines, as is conventionally known (column 7, lines 26-32).

Further, the particulars of the guide itself, containing the specific features utilized in the combination with Banker, are disclosed as independent of the particular transmission system utilized (column 6, lines 55-59 and column 7, lines 26-32). Thus, applicant's arguments are not convincing.

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c. In response to applicant's arguments in regards to Goldstein, it is noted that Goldstein's "videotext" menus specifically includes broadcast program listings, such as time and channel (see column 35, lines 1-59), thus clearly qualifying as an electronic program guide.

d. In regards to the rejections of claims 1-7, applicant is thanked for identifying the typo in regards to Young. This has now been corrected.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banker et al. (Banker) (5,477,262) (of record) in view of Young (4,706,121).

As to claim 22, while Banker discloses a television system delivery system for generating an interactive electronic program guide for display on a television connected to the set top terminal (Fig. 1), the system comprising:

an operations center (headend; Fig. 1; column 7, lines 58-63) comprising:

a means for packaging a plurality of television programs (plural scheduled programs to be broadcast to viewers; Figs. 2 and 13A; column 5, lines 49-53, column 18, lines 3-19 and column 21, lines 62-64); and

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a means for generating program control information including data associated with the packaging of the television programs (column 18, lines 3-19 and column 21, lines 62-64);

a means for delivering the packaged television programs and the program control information from the operations center to a subscriber (Fig. 2; column 9, lines 26-51, column 18, lines 3-19 and column 21, lines 62-64);

a set top terminal (Fig. 3, 300; column 10, lines 61-63), located at the subscriber's location, that receives the television programs from the operations center (column 11, lines 37-52), the terminal comprising:

a microprocessor (310) for executing program instructions (column 11, lines 31-36);

a graphic memory (NVM, 314; column 12, lines 1-5);

a graphic generator (on screen control circuit, 306) to generate graphics from the graphic memory (column 12, lines 1-5 and lines 27-61); and

a subscriber interface for choosing an option from displayed graphics (column 21, lines 34-43) and for effecting the memory location from which graphical information is generated by the graphics generator (column 21, lines 34-43 and column 12, lines 1-5 and lines 27-61),

wherein the terminal generates an interactive electronic program guide (column 11, lines 21-31) comprising:

a plurality of interactive menus (interactive menus for such features as sleep mode, messages, pay-per-view, VCR timing and STB control; Figs. 8, 10,

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12, 16A, 18 and 20; column 21, line 44-column 25, line 27), each corresponding to a level of interactivity and having one or more interactive menu items for selection (Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27);

a main menu having one or more main menu items for selection (top menu; Fig. 7A), which main menu items correspond to the interactive menus (corresponding to the submenus; Fig. 7 and 7A; column 21, lines 34-45), wherein the menus are navigated using a user input (column 21, lines 34-43), and wherein the main menu items and the interactive menu items are responsive to selection signals received from the user input (column 21, lines 34-43); and

a cursor for navigation of the menus (column 19, line 59-column 20, line 34), wherein the cursor movement corresponds to the user input and assists in the selection of one or more main menu items (see Fig. 7A and column 20, lines 6-34), wherein the menus are linked in a tree structure (see Figs. 6, 7A, 13A and 15A; column 21, lines 15-43, column 22, lines 27-45 and column 22, line 63-column 23, line 33), he fails to specifically disclose the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence.

In an analogous art, Young discloses a broadcast television system (Figs. 1 and 2; column 6, lines 18-59) including a broadcast receiver for processing and displaying a menu to a user (column 7, lines 33-59) which includes a tree-like structure (pluralities of sub-menus and options reached from the main menu; column 12, lines 12-45) wherein the user may indicate an option (through a

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dedicated button on the remote control; column 9, lines 47-67) to bypass the program guide mode menu and allow immediate access to the television program listings (column 10, line 13-column 12, line 30) for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features (column 10, lines 13-19 and column 12, lines 12-30).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, as taught by Young, for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features.

4. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson (5,539,871) (of record) and Young.

As to claim 8, Banker discloses a television system delivery system for generating an interactive electronic program guide for display on a television connected to the set top terminal (Fig. 1), the system comprising:

an operations center (headend; Fig. 1; column 7, lines 58-63) comprising:

a means for packaging a plurality of television programs (plural scheduled programs to be broadcast to viewers; Figs. 2 and 13A; column 5, lines 49-53, column 18, lines 3-19 and column 21, lines 62-64); and



a means for generating program control information including data associated with the packaging of the television programs (column 18, lines 3-19 and column 21, lines 62-64);

a means for delivering the packaged television programs and the program control information from the operations center to a subscriber (Fig. 2; column 9, lines 26-51, column 18, lines 3-19 and column 21, lines 62-64);

a set top terminal (Fig. 3, 300; column 10, lines 61-63), located at the subscriber's location, that receives the television programs from the operations center (column 11, lines 37-52), the terminal comprising:

a microprocessor (310) for executing program instructions (column 11, lines 31-36);

a graphic memory (NVM, 314; column 12, lines 1-5);

a graphic generator (on screen control circuit, 306) to generate graphics from the graphic memory (column 12, lines 1-5 and lines 27-61); and

a subscriber interface for choosing an option from displayed graphics (column 21, lines 34-43) and for effecting the memory location from which graphical information is generated by the graphics generator (column 21, lines 34-43 and column 12, lines 1-5 and lines 27-61),

wherein the terminal generates an interactive electronic program guide (column 11, lines 21-31) having

an overlay menu that is displayed during the one of the programs (Figs. 7 and 7A; column 12, line 62-column 13, line 13 and column 21, lines 34-43), the

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overlay menu including interactive features (Fig. 7A), wherein the overlay menu is displayed in response to a signal received from a user input (Figs. 3 and 4; column 16, lines 19-42 and column 19, lines 59-65).

While Banker discloses an overlay menu that is displayed in response to a signal received from the user input (column 19, line 59-column 20, line 5), and wherein the overlay menu is in a series of menus that are linked in a tree sequence (see Figs. 6, 7A, 13A and 15A; column 21, lines 15-43, column 22, lines 27-45 and column 22, line 63-column 23, line 33), he fails to specifically disclose wherein the terminal senses one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available for the program and the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence.

In an analogous art, Gibson discloses a system wherein an interactive menu system for display on a television in conjunction with television programming (column 2, lines 10-27), wherein

a logo that is displayed on a display during a program having one or more interactive features (column 3, line 65-column 4, line 35 and column 6, lines 1-24), when interactive content is detected within the program (see Fig. 3; column 5, lines 43-67);

a overlay menu that is displayed during the program (displayed list of choices; column 6, lines 51-56), the overlay menu including the interactive features (column 6, lines 53-62),

wherein the logo indicates to a user that the interactive features are available for the program (column 4, lines 7-35 and column 6, lines 1-24), and wherein the overlay menu is displayed in response to a signal received from a user input (column 6, line 38-56) for the typical benefit of allowing a user to elect to access additional information associated with a multimedia presentation (column 1, lines 39-63).

Additionally, in an analogous art, Young discloses a broadcast television system (Figs. 1 and 2; column 6, lines 18-59) including a broadcast receiver for processing and displaying a menu to a user (column 7, lines 33-59) which includes a tree-like structure (pluralities of sub-menus and options reached from the main menu; column 12, lines 12-45) wherein the user may indicate an option (through a dedicated button on the remote control; column 9, lines 47-67) to bypass the program guide mode menu and allow immediate access to the television program listings (column 10, line 13-column 12, line 30) for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features (column 10, lines 13-19 and column 12, lines 12-30).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the terminal senses one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features,

wherein the logo indicates to a user that the interactive features are available for the program, as taught by Gibson, for the typical benefit of providing a user with a means to easily identify and access additional information related to a displayed video presentation.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Gibson's system to include the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, as taught by Young, for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features.

As to claim 9, Banker, Gibson and Young disclose wherein the overlay menu includes menu options for a plurality of interactive features (see Banker at Figs. 7 and 7A and Gibson at column 5, lines 38-54 and column 6, lines 52-56).

As to claim 10, Banker, Gibson and Young disclose wherein the overlay menu further includes a menu option to return to the program without the interactive features (see Banker at Fig. 7A and Gibson at column 6, lines 57-60 and Fig. 6, steps 610, 612 and 616).

As to claim 11, Banker, Gibson and Young disclose a cursor that indicates one of the menu options (see Banker at column 21, lines 34-43 and Gibson at column 6, lines

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51-56, column 4, lines 27-35 and column 3, lines 36-39), wherein the cursor is controlled by the user input (see Banker at column 21, lines 34-43 and Gibson at column 4, lines 27-35 and column 3, lines 36-39).

As to claim 12, Banker, Gibson and Young disclose wherein the interactive features include facts related to the program (see Gibson at column 4, line 65-column 5, line 5).

As to claim 13, Banker, Gibson and Young disclose wherein the guide further comprises a plurality of interactive submenus for use with the interactive features (see Banker at Figs. 7 and 7A and column 21, lines 34-43), which submenus are displayed in response to a selection of the menu items (see Banker at column 21, lines 34-43), the selection being received as at least one of the selection signals from the user input (see Banker at column 21, lines 34-43).

As to claim 14, while Banker, Gibson and Young discloses displaying a plurality of submenus (see Banker at Fig. 7A), they fail to specifically disclose wherein the submenus are displayed in a video window in a scaled down program video format.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall

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display to allow both to be fully displayed to the user at the same time, for the typical benefit of allowing a viewer to continue fully viewing a television program while navigating a menu and not miss any of the displayed video program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Young's system to include wherein the submenus are displayed in a video window in a scaled down program video format for the typical benefit of allowing a viewer to continue viewing a television program while navigating a menu and not miss any of the displayed video program.

As to claim 15, Banker, Gibson and Young disclose wherein the program and one or more of the submenus are displayed on the television at the same time (see Banker at column 12, line 63-column 13, line 13).

As to claim 16, Banker, Gibson and Young disclose wherein the logo is displayed as an overlay menu (overlaid button to select; see Gibson at column 4, lines 7-36).

As to claim 17, Banker, Gibson and Young disclose wherein the logo is displayed by the set top terminal (see Banker at Fig. 3; column 12, lines 42-61), and wherein the set top terminal determines whether there is data or information about the program to be displayed as the one or more interactive features (see Gibson at column 5, lines 38-54) and displays the logo if there is data or information (see Gibson at column 6, lines 1-10).

As to claim 18, Banker, Gibson and Young disclose wherein the set top terminal (see claim 17) generates an overlay menu including the logo (column 3, line 65-column 4, line 35 and column 6, lines 1-24).

As to claim 19, while Banker, Gibson and Young disclose generating the overlay menu utilizing a set top converter (see Banker at column 12, lines 42-61), they fail to specifically disclose using data received during a vertical blanking interval.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize data from a vertical blanking interval, as receiving data during a vertical blanking interval at a set top terminal allows a cable headend or other programming provider to download additional data and information to a user's system, such as interactive information or data updates, for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Young's system to include using data received during a vertical blanking interval for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

As to claim 20, Banker, Gibson and Young disclose wherein the logo is displayed in a corner of the screen of the television periodically for a specified duration (Fig. 3B, Fig. 4, step 408; column 5, lines 6-20).

As to claim 21, while Banker, Gibson and Young disclose wherein the logo is displayed for a particular period of time (pertaining to periods of time an object is on the display; see Gibson at column 6, lines 10-18 and column 4, lines 7-26 and lines 45-54), they fail to specifically disclose displaying the logo for 15 seconds during a plurality of ten-minute segments of the program.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to display specific objects in a media presentation for at least 15 seconds during a plurality of ten-minutes segments of the program, such as the main character or object in a television program or movie, for the typical benefit of displaying important information to viewer's during extended periods of time during a program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Young's system to include displaying the logo for 15 seconds during a plurality of ten-minute segments of the program for the typical benefit of displaying important information to viewer's during extended periods of time during a program.



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5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (5,410,326) (of record) in view of Banker and Young.

As to claim 1, while Goldstein discloses a television delivery system for generating an interactive electronic program guide for display on a television connected to a set top terminal (column 33, lines 3-34), the system comprising:

an operations center (cable facility; column 16, lines 38-41) comprising:

a means for packaging a plurality of television programs (plural programs to be broadcast to viewers; column 9, line 3-34 and column 34, line 67-column 35, line 22); and

a means for generating program control information including data associated with the packaging of the television programs (column 33, lines 58-68 and column 34, line 67-column 35, line 22);

a means for delivering the packaged television programs and the program control information from the operations center to a subscriber (column 16, lines 38-61, column 21, lines 3-10 and column 33, lines 58-68);

a set top terminal, located at the subscriber's location, that receives the television programs from the operations center (column 16, lines 38-45), the terminal comprising:

a microprocessor for executing program instructions (Fig. 14; microprocessor unit, 137; column 16, lines 38-45);

a graphic memory (column 33, lines 18-23 and lines 58-62);

a graphic generator to generate graphics from the graphic memory (column 17, lines 16-19 and column 34, lines 20-28); and

a subscriber interface for choosing an option from displayed graphics (column 34, lines 20-28) and for effecting the memory location from which graphical information is generated by the graphics generator (column 34, lines 20-37);

wherein the terminal generates an electronic program guide (column 17, lines 16-19) having a series of menus comprising:

a home menu (master menu; column 34, lines 1-9);

a plurality of major menus displayed as menu options on the home menu (column 34, lines 6-19);

a plurality of sub-menus displayed as menu options on the plurality of major menus (column 34, line 67-column 35, line 59); and

a plurality of during programming menus enacted after selection of a program (additional information icons displayed during a program; column 14, lines 3-20), he fails to specifically disclose wherein the series of menus are linked in a tree sequence and the subscriber interface is capable of choosing the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence.

In an analogous art, Banker discloses a television system delivery system (Fig. 1) which generates an electronic program guide menu for display to a user (column 11, lines 21-31), wherein the menu is in a series of menus that are linked in a tree sequence (see Figs. 6, 7A, 13A and 15A; column 21, lines 15-43, column 22, lines 27-45 and column 22, line 63-column 23, line 33) for the typical benefits of providing a

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simple, user friendly menu providing the user with easy navigation (column 19, line 63-column 20, line 2 and column 20, lines 6-42).

Additionally, in an analogous art, Young discloses a broadcast television system (Figs. 1 and 2; column 6, lines 18-59) including a broadcast receiver for processing and displaying a menu to a user (column 7, lines 33-59) which includes a tree-like structure (pluralities of sub-menus and options reached from the main menu; column 12, lines 12-45) wherein the user may indicate an option (through a dedicated button on the remote control; column 9, lines 47-67) to bypass the program guide mode menu and allow immediate access to the television program listings (column 10, line 13-column 12, line 30) for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features (column 10, lines 13-19 and column 12, lines 12-30).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the series of menus are linked in a tree sequence, as taught by Banker, for the typical benefits of providing the user with a simple means to navigate and exit the menu as desired.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein and Banker's system to include the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, as taught by Young, for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features.

As to claim 2, Goldstein, Banker and Young disclose an introductory menu that is displayed upon beginning use of the guide (local menu to perform initialization; see Goldstein at column 33, lines 11-34).

As to claim 3, Goldstein, Banker and Young disclose wherein the guide is controlled by a set top terminal (television receiver; see Goldstein at column 33, lines 11-33), and wherein the introductory menu automatically appears on the television screen when the set top terminal is turned on (see Goldstein at column 3, lines 11-16).

As to claim 4, Goldstein, Banker and Young disclose wherein the introductory menu displays information or messages from a television delivery system operations center that provides programming (see Goldstein at column 33, lines 11-68).

As to claim 5, Goldstein, Banker and Young disclose wherein the information or messages are directed to a particular subscriber (see Goldstein at column 20, lines 54-63).

As to claim 6, Goldstein, Banker and Young disclose wherein the information or messages are directed to a group of subscribers (see Goldstein at column 20, lines 54-63).

As to claim 7, Goldstein, Banker and Young disclose wherein the during program menus comprise hidden menus and program overlay menus (comprising overlaid icons and hidden embedded information; see Goldstein at column 14, lines 3-20).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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